

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

FILED  
01 MAR -8 AM 9:50  
DISTRICT OF SOUTH CAROLINA

IN RE: )  
 ) B/K Case No. 00-03734-W  
WINGARD & COKER FARM SUPPLY, INC. )  
 ) Chapter 7  
Debtor. )  
\_\_\_\_\_ )

**TO: All Creditors and Parties in Interest**

**NOTICE AND APPLICATION FOR SALE OF PROPERTY**

YOU ARE HEREBY NOTIFIED that the Trustee in this case is applying for approval to sell the property of the debtor's estate described below according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than 20 days from service of the motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on **April 19, 2001 at 1:30 p.m.** in the United States Bankruptcy Court, 145 King Street, Room 225, Charleston, South Carolina. No further notice of this hearing will be given.

TYPE OF SALE: Private Sale

PROPERTY TO BE SOLD: (A) 1984 International Truck (VIN 1HTAA1954DHA31965)  
(B) Dixie Flatbed Trailer (Serial# 651C39) and Fontaine Grain  
Trailer Model AT-316-S4 (Serial# 1670-T)

**NOTICE: THE TRUSTEE IS SELLING THE ABOVE-REFERENCED PROPERTY "AS IS," WITH NO WARRANTIES WHATSOEVER. THE BUYERS AGREE TO RECEIVE THE PROPERTY WITH ALL FAULTS. THE TRUSTEE MAKES NO WARRANTY, EXPRESS OR IMPLIED, REGARDING THE PROPERTY, AND SPECIFICALLY EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY AND ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR USE. PROPERTY TO BE CONVEYED BY QUIT CLAIM DEED OR BILL OF SALE.**

**THE BUYERS HAVE BEEN GIVEN THE OPPORTUNITY TO EXAMINE THE PROPERTY BEFORE SIGNING ANY CONTRACT OR SUBMITTING A BID TO PURCHASE THE PROPERTY, AND TO PERFORM SUCH TESTING, IF APPLICABLE,**

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**TO DETECT POSSIBLE LATENT DEFECTS.**

PRICE: (A) \$ 2,000  
(B) \$ 1,500

APPRAISAL VALUE: (A) \$ 2,000 per sales agent's estimate of value  
(B) \$ 1,700 per sales agent's estimate of value

NAME OF BUYER: (A) Jimmy Burgess  
Route 2, Box 121  
Kingstree, SC 29556

(Good faith purchaser for value who has no interest in this case, and no relation with the debtor)

(B) Coker's Garage, or its assigns  
1304 Fulton Avenue  
Kingstree, SC 29556

(Good faith purchaser for value who has no interest in this case, and no relation with the debtor)

PLACE, DATE AND TIME OF SALE: The sale shall take place as soon as possible after final Bankruptcy Court approval at a date, place and time to be agreed upon by the parties.

SALES AGENT/AUCTIONEER/BROKER/ETC.: Goodwin & Associates; 528A Columbia Ave.  
Suite 151, Lexington, SC 29072 (803) 657-7464 with questions concerning the sale.

EXPENSES OF SALE: (A) Not to exceed \$300.00  
(B) Not to exceed \$300.00

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: 10% of the gross contract price.

ESTIMATED TRUSTEE'S COMPENSATION: Reasonable compensation to be determined by the Court (but not to exceed the limits set in 11 U.S.C. §326(a)).

**LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY:**

The Trustee is informed and believes that there are no liens against the property. To the extent there are liens, they are disputed and shall attach to the net sale proceeds.

After normal seller's closing costs, including sales commissions, expenses, and other fees and charges, the Trustee shall be authorized to deduct his compensation authorized pursuant to 11 U.S.C.326(a). The sale proceeds, if any, remaining after payment of all of the above shall constitute the "net sale proceeds".

DEBTOR'S EXEMPTION: N/A

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: (A) Approximately \$1,500; (B)

approximately \$1,050.

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The Court may consider additional offers at any hearing held on this notice and application for sale. The Court may order at the hearing that the property be sold to another party on equivalent or more favorable terms.

If there is no objection to this Notice of Sale and for any reason the sale is not consummated, the Trustee may sell the subject property for the same or higher price, without further notice.

The Trustee may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.



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District Court ID No. 5560

Dated this 5<sup>th</sup> day of March, 2001.